

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELMO SHROPSHIRE, INDIVIDUALLY AND  
AS A MEMBER OF "ELMO & PATSY"; ON  
BEHALF OF HIMSELF AND ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

vs.

SONY BMG MUSIC ENTERTAINMENT,  
A Delaware General Partnership,

Defendant.

: Civil Action No. 1:06-cv-03252-GBD

: NOTICE OF MOTION

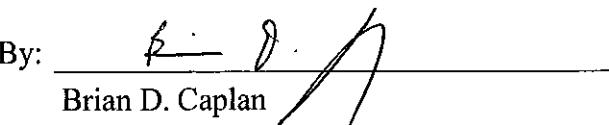
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**PLEASE TAKE NOTICE THAT** upon the accompanying Declaration of Brian D. Caplan, dated September 20, 2010, the Statement of Material Facts Pursuant to Local Civil Rule 56.1, the Memorandum of Law, and the pleadings and all prior proceedings had herein, the undersigned will move this Court before the Honorable George B. Daniels, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting plaintiff partial summary judgment as against defendant Sony BMG Music Entertainment, and for such other relief as the Court deems just and proper.

DATED: September 20, 2010

Respectfully submitted,

CAPLAN & ROSS, LLP

By:   
Brian D. Caplan

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Attorneys for Plaintiffs

I, Gary Snitow, hereby certify that on September 20, 2010, I caused a true and correct copy of the Notice of Motion to be served by UPS Overnight Delivery upon the following:

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Counsel for Defendant



Gary Snitow